



City of College Park
Department of Planning, Community & Economic Development
Staff Report

Reviewer: Miriam Bader

Date: April 29, 2022

A. APPEAL INFORMATION

Appeal No.: CEO-2022-01

Hearing Date: May 5, 2022

Petitioner: William Schmegel and Ekaterina Potapova

Address: 5011 Fox Street

Subdivision: Daniels Park Addition, Lots 11 & 12, Block 19

Neighborhood Association: North College Park Community Association

Zoning: RSF-65

Purpose of Request: Height variance to allow the installation of a 6-foot-high fence along unimproved right-of-way considered to be a front yard.

Requirements:

- a. Prince George's County Zoning Ordinance, Table 27-6603 (a) prohibits fences in a front yard that exceed a height of four (4) feet for residentially zoned lots.
- b. City Fence Ordinance, Chapter 87, Section 23 C. prohibits the construction of fences more than 3-feet high in a front yard.

Specific Requests:

- 1. A 2-foot height variance from the Prince George's County Zoning Ordinance Table 27-6603 (a).
- 2. A 3-foot height variance from Chapter 87, Section 23, paragraph C of the City Code.

Property Characteristics:

- 1. The property is a rectangular-shaped corner lot, 50-feet wide by 100-feet deep for a total lot size of 5,000 square feet.

2. The property has street frontage along Fox Street and 50th Place, although, 50th Place has not been improved.
3. The property is improved with a 2-story, frame house built in 1934.
4. The house fronts Fox Street.

Neighborhood
Characteristics:

1. The surrounding neighborhood is single-family residential.

Other Information:

1. The Applicants state that a 3-foot-high fence is not tall enough to adequately protect their property and create the feel of a private back yard.
2. The unimproved right-of-way creates the appearance of a back yard, private space.
3. The proposed 6-foot-high horizontal slat wooden fence with gaps will incorporate openness.
4. There are no plans on the part of the City of College Park to pave the unimproved 50th Place.

B. COLLEGE PARK CRITERIA FOR GRANTING A FENCE VARIANCE

1. ***There is an extraordinary situation or condition that would support the request for a variance.***

The extraordinary situation is that 50th Place is an unimproved right-of-way where a 6-foot tall fence will not have a negative impact along an actual street.

2. ***Denial of the variance will result in a peculiar and unusual practical difficulty to, or an exceptional or undue hardship to the owner.***

The strict application of the Zoning Ordinance will result in a practical difficulty for the Applicants by preventing them from enclosing their rear yard with a 6-foot tall fence on all sides. Having a 3-foot fence on one side only will impair the practical function and aesthetic of the rear yard fence.

3. ***Granting the variance will not impair the intent, purpose, or integrity of the Fence Ordinance.***

The proposed 6-foot high, wooden fence is compatible with the character of the neighborhood.

4. *The variance is consistent with the design guidelines adopted for the Historic District, if applicable.*

The property is not in a locally designated Historic District.

5. *The fence for which a variance is requested incorporates openness and visibility as much as is practical, provided however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood.*

The proposed fence incorporates openness and visibility as much as is practical.

C. RECOMMENDATION

Staff recommends approval of a 2-foot fence height variance from the County Zoning Ordinance and 3-foot fence height variance from the City Fence Ordinance to allow a 6-foot-high fence *along approximately 50 feet of the unimproved right-of-way of 50th Place.*

D. EXHIBITS

1. Application
2. Site Plan
3. Photo of type of fence
4. Property Information
5. Location Map
6. Zoning and Building Footprint Map
7. Aerial Photograph
8. Staff Photos



City of College Park Advisory Planning Commission
8400 Baltimore Avenue, Suite 375
• College Park, MD 20740
Phone: 240-487-3538 • www.collegeparkmd.gov

EXHIBIT 1

APPLICATION FOR VARIANCE FROM
THE STRICT APPLICATION OF THE
CITY OF COLLEGE PARK BUILDING CODE

Instructions: Please complete and mail to the address above or e-mail to Miriam Bader at mbader@collegeparkmd.gov. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.

OWNER INFORMATION

Name of Property Owner (s) Ekaterina Potapova + William Schmegel

Address of Property 5011 Fox Street

Do you reside in the property? ☒ Yes ☐ No

If no, provide home address _____

Telephone 601-955-4786 Fax _____ E-mail andy.schmegel@gmail.com

Name of Agent/Representative (if any) _____

Address _____ Telephone _____

Have you applied for and been denied a permit? ☐ Yes ☒ No

Have you received a violation notice? ☐ Yes ☒ No If yes, date of notice _____

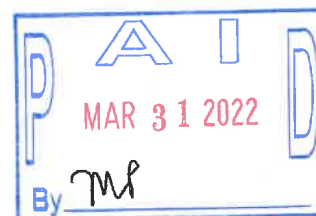
Has property been the subject of a previous appeal or zoning application? ☐ Yes ☒ No

If yes, provide case number(s) and dates _____

Do you require an interpreter? ☐ Yes ☒ No

DESCRIPTION OF PROPERTY

<u>Daniels Park-Addition</u>	<u>11 & 12</u>	<u>19</u>	<u>-</u>
Subdivision	Lots	Block	Parcel
<u>RSF-65</u>		<u>5000</u>	<u>1</u>
Zoning		Total Area (Sq ft)	
<u>North College Park Community Association</u>			
Civic Association Name			



VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Fence Ordinance from which the variance is requested.

- 1) A 2-foot height variance from the Prince George's County Zoning Variance Ordinance Section 27-420 (a) for a total height of 6-feet.
- 2) A 3-foot height variance from the City Fence Ordinance, Chapter 97 section 23, Paragraph C of the City Code for a total height of 6-feet.

PURPOSE OF VARIANCE

Describe what you propose to do and why you need a variance.

We want to construct a fence enclosing our backyard. A variance is required because there is an unimproved street that runs beside our lot and borders the backyard.

IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE.

Criteria #1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions that would support the request for a variance. (Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood.)

The existence of the bordering unimproved street creates the unusual circumstance.

Criteria #2. Denial of the variance would result in a peculiar and unusual practical difficulty to, or an exceptional or undue hardship upon the owner. *(The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.*

Without the variance, we are unable to have any private yard space, in particular a safe area for future dogs and children.

Criteria #3. Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance. *(Granting of the variance will not be in conflict with the public interest as requested in these plans).*

Because the requested variance is alongside an unimproved road, the fence will not be visible from any trafficked areas.

Criteria #4. The variance is consistent with the design guidelines adopted for the Historic District, if applicable. *(The Design Guidelines for the Old Town College Park Historic District provide guidance on fence materials, design and placement).*

N/A

Criteria #5. The front yard fence for which a variance is requested incorporates openness as much as practicable; provided, however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood.

Construction will be a 6 ft horizontal fence with gaps - see attached for a similar fence type.

(These include properties located on either side, behind and across the street from your property).

Property Address	Owner's Name	Owner's Address
5009 Fox St.	Diversified Asset Management LLC	P.O. Box 10111 Silver Spring, MD 20914
5006 Indian Lane	Judith Campbell	4601 Beechwood Rd.
5008 Indian Lane	Jiang Jingxi	Same
5013 Indian Lane Fox St	James Reher	Same
5012 Indian Lane Fox St	Noel Marie Delaney et al	Same


Signature of Applicant (Required)

3/31/22
Date


Signature of Applicant (Required)

3/31/2022
Date

→ 5006 Fox St. James J. Lawrence P.O. Box 11105
McLean, VA 22102

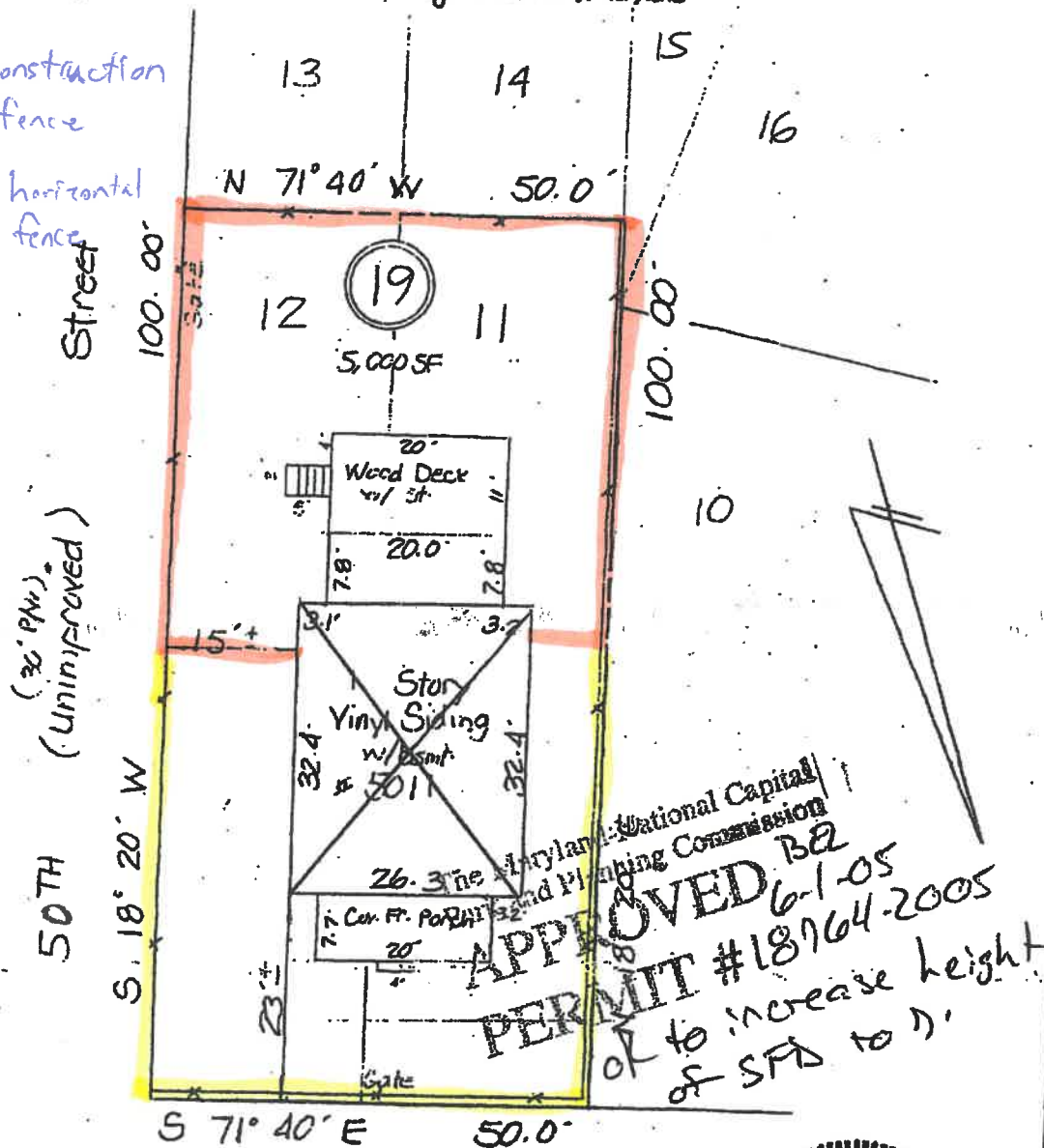
5016 Fox St. Gyabrah Kajo Reva, Living Trust Same

5000 Eutaw Place Myoman Wijaya Same

NOTES:

1. This plat is not intended for use in the establishment of property lines, but prepared for the exclusive use of the present property owner(s) of record and/or those who purchase, mortgage or guarantee the said land within six months from the date hereof and as to then I warrant this house location survey.
2. For title purposes only.
3. No title report furnished at this time, subject to all easements and rights of ways of record.
4. Property corners have not been set with this survey. Property information was taken from the best available records.
5. This location plat is not to be used for the construction of fences or other improvements. A boundary Survey and lot stakeout would have to be performed to determine the location of all property lines as shown.
6. The Property shown hereon is located within Zone C as shown on F.E.M.A. Flood Insurance Rate Map Community Panel No. 285205 of Prince Georges County, Maryland.

- - New construction
6 ft fence
- - 3 ft horizontal
existing fence



FOX (30' R/W)

STREET

FIELD COPY



Drawn By:	TO
Checked By:	
Date:	4-17-04
Scale:	1" = 20'
Job No.:	H-04-407
Case No.:	69978-E

All Products > Exterior > Lawn & Garden > Fencing & Gates



horizontal fence

♥ Save



Product Specifications



Product ID	20005749
Sold By	The Fence Builders llp
Category	Home Fencing And Gates
Style	Contemporary

Real Property Data Search ()
 Search Result for PRINCE GEORGE'S COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:		District - 21 Account Number - 2283901
Owner Information		
Owner Name:	POTAPOVA EKATERINA ETAL SCHMEGEL WILLIAM ANDREW	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	5011 FOX ST COLLEGE PARK MD 20740-	Deed Reference: /45513/ 00505
Location & Structure Information		
Premises Address:	5011 FOX ST COLLEGE PARK 20740-0000	Legal Description: LOTS 11.12
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: A-1585	0025 00F3 0000 21033730.17 3730 19 2022	Plat Ref:
Town: COLLEGE PARK		
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use		
1934	1,696 SF	5,000 SF 001
StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements		
2 YES	STANDARD UNITFRAME/3	2 full
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of As of
		01/01/2022 07/01/2021 07/01/2022
Land:	100,100	100,200
Improvements	225,100	295,800
Total:	325,200	396,000
Preferential Land:	0	0
		325,200 348,800
Transfer Information		
Seller: HOULT DANIEL	Date: 05/12/2021	Price: \$405,000
Type: ARMS LENGTH IMPROVED	Deed1: /45513/ 00505	Deed2:
Seller: KNIGHTON, STEVEN D & DOROTEIA	Date: 10/19/2004	Price: \$205,000
Type: ARMS LENGTH IMPROVED	Deed1: /20509/ 00084	Deed2:
Seller: EHRLE, RAYMOND A &	Date: 10/08/1992	Price: \$86,000
Type: ARMS LENGTH IMPROVED	Deed1: /08478/ 00738	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2021 07/01/2022
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application Date:		

Exhibit 5. Location Map

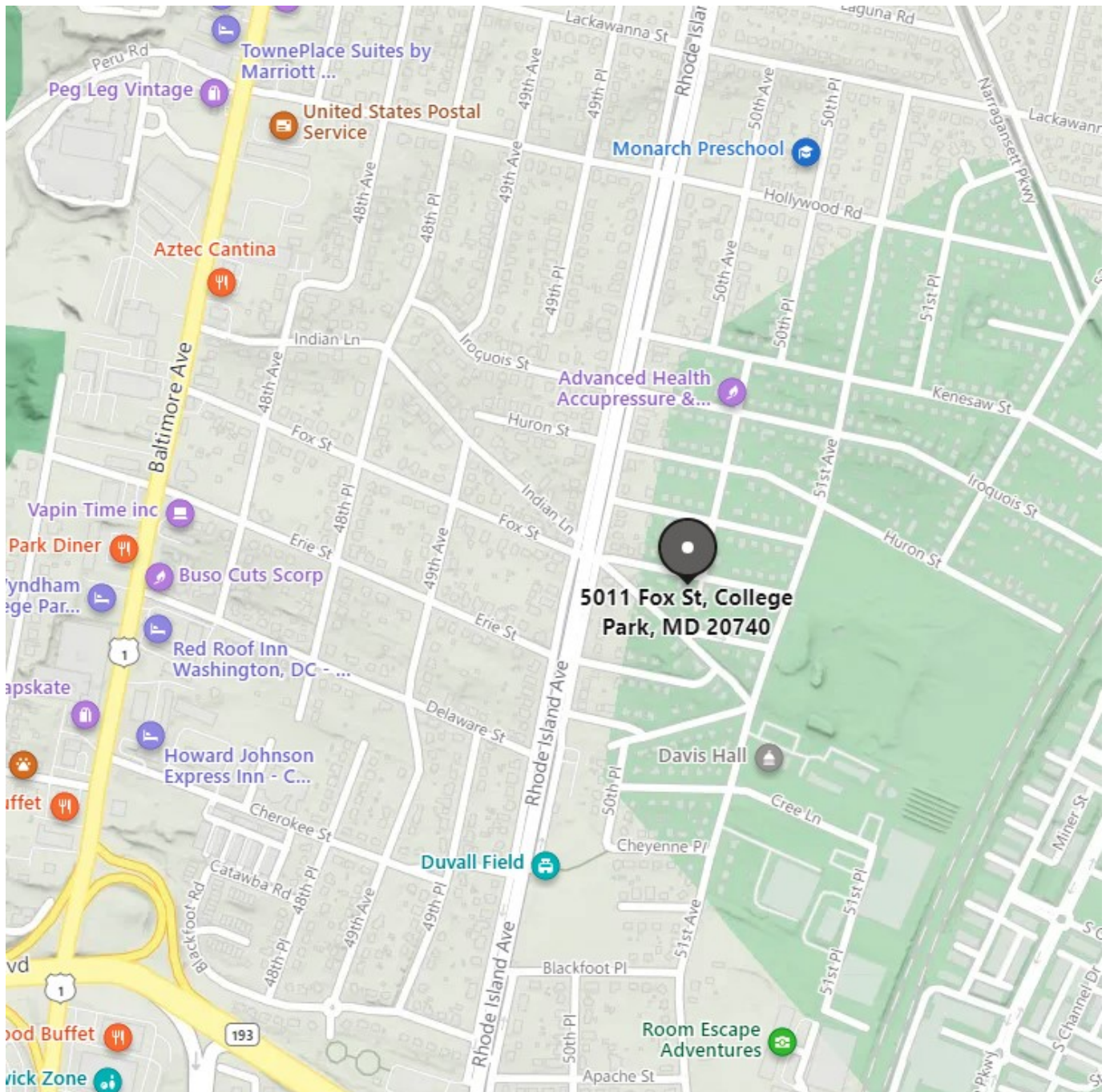


Exhibit 6. Zoning and Building Footprint Map

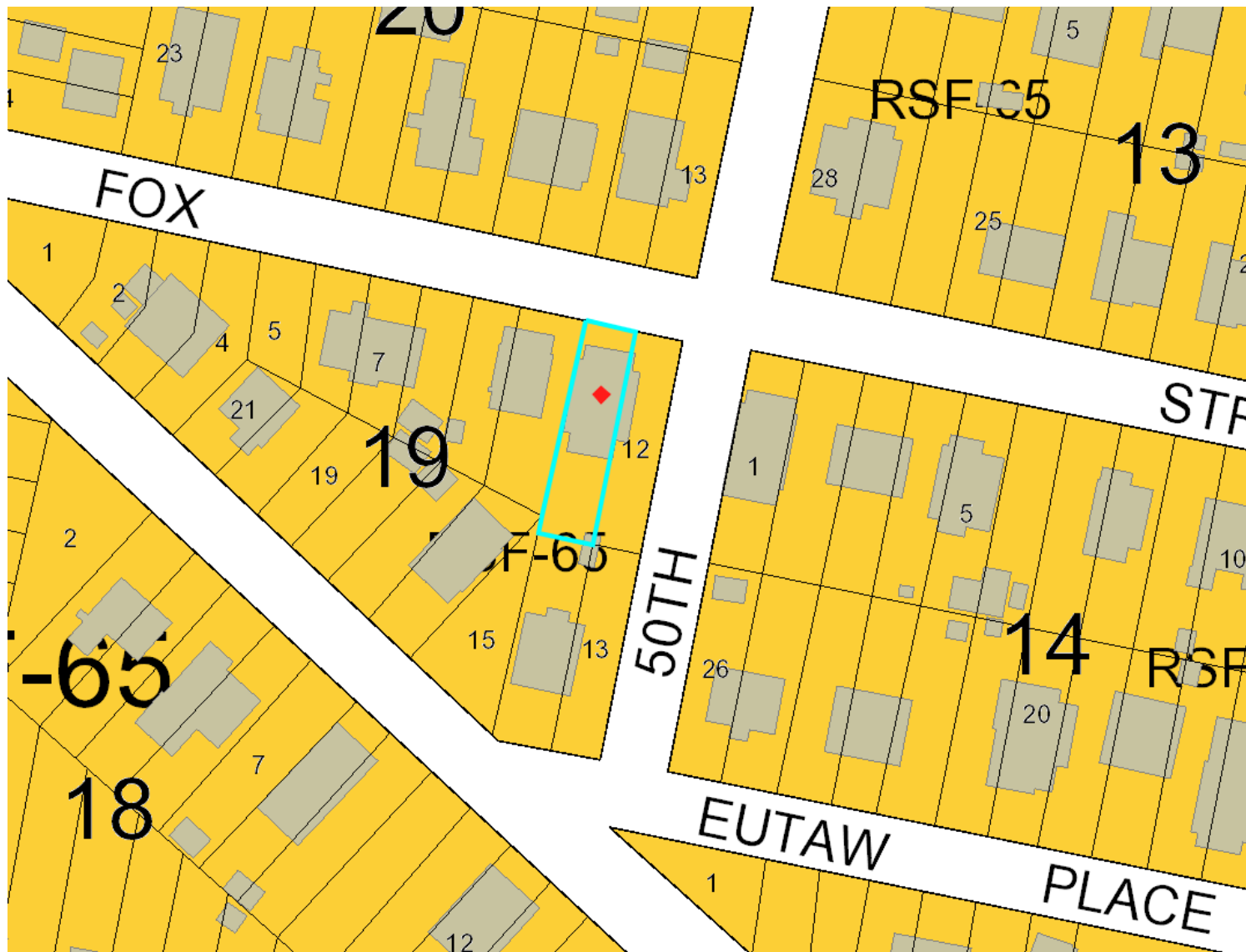


Exhibit 7. Aerial Photograph

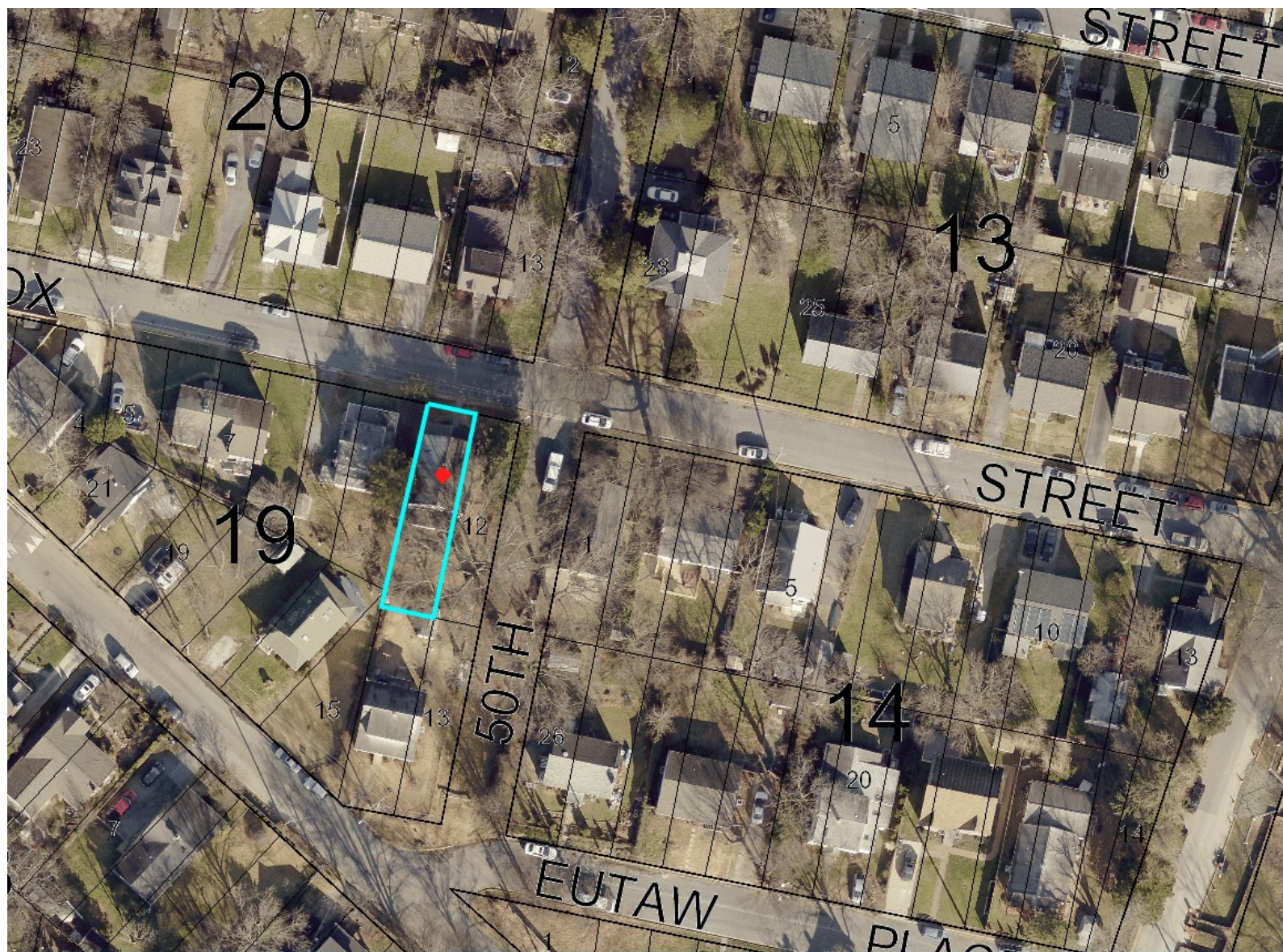


Exhibit 8 a.



A: Subject Property, 5011 Fox St.,
with existing 3-foot front yard fence.



B: To the right of the house, existing fence



C: To the left of the house



D. To left of house, the 50th Street unimproved
ROW

Exhibit 8 b.



E: Back of house, location of proposed fence



F: Looking at back of house from another angle



G: Looking down the 50th Street unimproved ROW.